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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/169,248	10/03/2002	Hideo Kaneda	NAKA:047	8374

27890 7590 11/02/2005
STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE, N.W.
WASHINGTON, DC 20036

EXAMINER

MISLEH, JUSTIN P

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/169,248

Applicant(s)

KANEDA ET AL

Examiner

Justin P. Misleh

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/28/02</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: typographical errors and lack of precision.

- Reference sign 11 is first described on page 12 (line 20) with respect to figure 1; however, reference sign 11 is not shown in figure 1. The Examiner recommends noting on page 12 (line 20) that reference sign 11 is shown in figure 2.

- Figure 12 is not formally described. The Examiner recommends noting that the first full paragraph of page 19 is a description of figure 12.

- The first full paragraph of page 22 describes figure 17; however, there is no figure 17. The Examiner recommends noting that the first full paragraph of page 22 describes figure 17A.

- On page 23 (line 6), reference sign 186 is described when reference sign 86 is shown in figure 18. The Examiner recommends changing 186 to 86.

Appropriate correction is required.

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 114 (Figure 4C).

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4. The drawings are objected to because of a lack of clarity and precision. More specifically, portions of figures 4C, 16, 17A, 17B, 19A – 19C is written in Japanese.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the Examiner does not accept the changes, the Applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5. **Claim 1** is objected to because of the following informalities: lack of clarity.
- The language recites therein, “the control means controls the display means so that the orientation of the display means corresponds to a direction”; however, no such “orientation” has been previously introduced. The Examiner recommends changing “the orientation” to “an orientation”.
 - The language recites therein, “the operating means are disposed at positions symmetrical to each other with respect to at least one of the directions of the body of the electronic apparatus”; however, no such “directions of the body of the electronic apparatus” have been

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previously introduced. The Examiner recommends changing “at least one of the directions” to “at least one of a plurality of directions”.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1 and 2** are rejected under 35 U.S.C. 102(e) as being anticipated by Tanaka et al. (US 6,630,958 B2).

8. For **Claim 1** (please see objections above), Tanaka et al. disclose, as shown in figures 2, 4 – 7, 13, 18A, and 18B and as stated in column 8 (lines 11 – 39) and column 10 (lines 42 – 55), an electronic apparatus (digital camera 1 – figure 2) having a display function (via LCD 10 – figure 2) comprising:

display means (LCD 10 – figure 2) for displaying an image (see figure 13);

a plurality of operating means (Buttons 12 and 13 – see figure 2); and

control means (CPU 201 – figure 7) for controlling at least the display means (LCD 10),

wherein:

photographing means (CCD 302 – figure 7) for photographing an object is removably mounted in a plurality of directions (camera head 3 – figures 4 and 5) relative to a body (camera body 2 – figure 4 and 5) of the electronic apparatus (digital camera 1) having a display function; the control means controls the display means (LCD 10) so that the orientation of the display means (LCD 10) corresponds to a direction predetermined with respect to a direction in which the photographing means is mounted (Normal or Reversed – see figure 13); and the operating means (Buttons 12 and 13) are disposed at positions symmetrical (Buttons 12 and 13 are horizontally symmetrical) to each other with respect to at least one of the directions of the body of the electronic apparatus (In figure 2, the camera body is shown in a horizontal direction; likewise, buttons 12 and 13 are horizontally symmetrical).

9. As for **Claim 2**, Tanaka et al. disclose wherein the photographing means (CCD 302) is mountable to the body (camera body 2) of the electronic apparatus having a display function at a single location or at least at any one location in each of the plurality of directions (see figures 4 and 5).

Cited Prior Art

10. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure for the following reasons:

- **Fushimoto (US 6,903,773 B1) and Kanbara (US 6,621,481 B1)** disclose an electronic apparatus with a display function and photographing means for photographing an object is removably mounted in a plurality of directions relative to a body of the electronic apparatus having a display function.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Ngoc Yen Vu can be reached on 571.272.7320. The fax phone number for the organization where this application or proceeding is assigned is 571.273.3000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM
October 29, 2005


NGOC YEN VU
PRIMARY EXAMINER

Sheet <u>1</u> of <u>1</u> FORM PTO 1449 (modified) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE LIST OF REFERENCES CITED BY APPLICANT(S) <i>(Use several sheets if necessary)</i>		ATTY DOCKET NO. NAKA:047		SERIAL NO. New Application 10/169248		
		APPLICANT Hideo KANEDA et al.		FILING DATE June 28, 2002		
		GROUP 2012				
U.S. PATENT DOCUMENTS						
*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION NO YES
	6-324805	11/1994	Japan	1		Abstract
	10-149258	6/1998	Japan			Abstract
	8-221385	8/1996	Japan			Abstract
	7-104889	4/1995	Japan			Abstract
	10-161620	6/1998	Japan			Abstract
	9-294221	11/1997	Japan			Abstract
	11-136653	5/1999	Japan			Abstract
	9-305315	11/1997	Japan			Abstract
	10-187342	7/1998	Japan			Abstract
OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)						
EXAMINER				DATE CONSIDERED <u>10/26/05</u>		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Notice of References Cited	Application/Control No. 10/169,248	Applicant(s)/Patent Under Reexamination KANEDA ET AL.	
	Examiner Justin P. Misleh	Art Unit 2612	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,630,958 B2	10-2003	Tanaka et al.	348/333.06
	B	US-6,621,481 B1	09-2003	Kanbara, Minoru	345/100
	C	US-6,903,773 B1	06-2005	Fushimoto, Hideo	348/333.02
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Index of Claims



Application/Control No.

10/169,248

Examiner

Justin P. Misleh

Applicant(s)/Patent under
Reexamination

KANEDA ET AL.

Art Unit

2612

✓	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date									
Final	Original	10/29/05									
	1	✓									
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Search Notes

Application/Control No.

10/169,248

Examiner

Justin P. Misleh

Applicant(s)/Patent under
Reexamination

KANEDA ET AL.

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2612

SEARCHED

Class	Subclass	Date	Examiner
348	333.01	10/26/2005	JPM
348	333.06	10/26/2005	JPM
348	333.07	10/26/2005	JPM
348	333.12	10/26/2005	JPM
348	373	10/26/2005	JPM
348	375	10/26/2005	JPM
348	376	10/26/2005	JPM

INTERFERENCE SEARCHED

Class	Subclass	Date	Examiner

**SEARCH NOTES
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
EAST -- BRS Search (Attached)	10/26/2005	JPM